

**REMARKS/ARGUMENTS**

The Applicants originally submitted Claims 1-21 in the application. In previous responses, the Applicants amended Claims 1, 6-8, 15 and 20-21. In the present response, no claims have been canceled, amended or added. Accordingly, Claims 1-21 are currently pending in the application.

**I. Rejection of Claims 1, 3-8, 10-15 and 17-21 under 35 U.S.C. §103**

The Examiner has rejected Claims 1, 3-8, 10-15 and 17-21 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,454,024 to Lebowitz in view of U.S. Patent No. 5,675,371 to Barringer. The Applicants respectfully disagree.

The Examiner recognizes that Lebowitz does not teach or suggest establishing a wireless link in a wireless voice network between a local transceiver and a wireless central monitoring station using a wireless link of diminished bandwidth insufficient to provide commercially-acceptable quality of service standards for voice communication as recited in independent Claims 1, 8 and 15. To cure this deficiency, the Examiner cites Barringer. (*See* Examiner's Final Action, pages 2-3.) Barringer is directed to remote data sensing and is specifically directed to remote data sensing for equipment used within the cable television industry. (*See* column 1, lines 7-15.) Barringer employs a Cellemetry modem to transmit sensor information using a Cellemetry service. (*See* column 2, lines 34-41.) Cellemetry is a low data rate service using control channels of an Advanced Mobile Phone System (AMPS) cellular telephone network to transmit data. (*See* column 1, lines 37-49.)

Barringer does not cure the above deficiency of Lebowitz. On the contrary, as stated above, Barringer transmits data via Cellemetry Modems over the control channels of an AMPS. The control channels of an AMPS are not for voice communication but are for the transmission of a Mobile Identification Number (MIN) or an Electronic Serial Number (ESN). Instead of voice communications, the control channels are used to instruct subscribers to tune to voice channels for a voice communication. (See column 4, lines 4-18.) In fact, the Cellemetry modems are incapable of voice communications since the voice processing parts have been removed therefrom. (See column 4, lines 28-30.) Barringer, therefore, does not transmit data in a wireless voice network. Thus, Barringer does not teach establishing a wireless link of diminished bandwidth in a wireless voice network as recited in independent Claims 1, 8 and 15.

Lebowitz and Barringer, therefore, individually or in combination, fail to teach or suggest establishing in a wireless voice network a wireless link of diminished bandwidth insufficient to provide commercially-acceptable quality of service standards for voice communication as recited in independent Claims 1, 8 and 15. Thus, the cited combination of Lebowitz and Barringer does not provide a *prima facie* case of obviousness for Claims 1, 8 and 15 and Claims dependent thereon. Accordingly, Claims 1, 3-8, 10-15 and 17-21 are not unpatentable in view of Lebowitz and Barringer and the Applicant respectfully requests the Examiner to withdraw the rejection under 35 U.S.C. §103(a) and issue allowance thereof.

Furthermore, one skilled in the art would not be motivated to combine the teachings of Lebowitz with the teachings of Barringer. Lebowitz teaches a system for transmitting data between subscriber sites and a monitoring station that includes a back-up circuit to insure a circuit is available for communication. (See Abstract.) Lebowitz is concerned with insuring a

communication link is continually maintained and constantly monitors a primary cellular link to indicate when to switch to a secondary network if the cellular link is not working properly. (See column 3, lines 59-66.) Lebowitz uses cellular digital packet data (CDPD) transmission over a cellular network for the primary communication link. (See column 3, lines 51-54.)

Barringer, on the other hand, is directed to providing a monitoring system for Cable TV using a transmission medium other than the cable used to transport the Cable TV signal. (See column 3, lines 53-59.) Barringer uses the control channels of an AMPS cell network to transmit data. (See column 4, lines 36-37.) One skilled in the art would not be motivated to combine the teachings of Barringer with Lebowitz since Barringer is based on an analog cellular system (AMPS) while Lebowitz is based on a digital cellular system (CDPD). Additionally, CDPD technology sends data packets along idle channels of existing cellular voice networks. (See specification, page 3, lines 15-17.) The AMPS Cellemetry system of Barringer, however, sends data over control channels that are not for voice communication. (See column 4, lines 4-10 and lines 28-30.)

## II. Rejection of Claims 2, 9 and 16 under 35 U.S.C. §103

The Examiner has rejected Claims 2, 9 and 16 under 35 U.S.C. §103(a) as being unpatentable over Lebowitz and Barringer in further view of U.S. Patent No. 5,422,626 to Fish. The Applicant respectfully disagrees.

As discussed above, the cited combination of Lebowitz and Barringer does not teach or suggest each and every element of independent Claims 1, 8 and 15. Fish has not been cited to cure the deficiencies of Lebowitz and Barringer but to teach a local transceiver and wireless

monitoring station exchanging data in bursts. (Examiner's Final Action, page 4). Thus, the cited combination of Lebowitz, Barringer and Fish does not teach or suggest each and every element of independent Claims 1, 8 and 15 and, therefore, does not provide a *prima facie* of obviousness of Claims 1, 8 and 15 and Claims dependent thereon. Accordingly, Claims 2, 9 and 16 are not unpatentable based on Lebowitz, Barringer and Fish as cited and the Applicant respectfully requests the Examiner to withdraw the rejection under 35 U.S.C. §103(a) and issue allowance thereof.

Furthermore, the combination of Fish with Lebowitz is improper. Lebowitz employs CDPD technology that sends data packets along idle channels of existing cellular voice networks. (See column 3, lines 51-54 and the present specification, page 3, line 15 to page 4, line 4.) Fish, on the other hand, teaches sending data during allocated time slots. (See column 5, lines 47-52 and Figure 4.)

**IV. Conclusion**

In view of the foregoing amendment and remarks, the Applicants now see all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicit a Notice of Allowance for Claims 1-21.

The Applicants request the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application.

Respectfully submitted,

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